

Amendment under 37 C.F.R. § 1.111
U. S. App. Ser. No. 10/776,606

Atty. Dckt. No. Q79732

AMENDMENTS TO THE DRAWINGS

Please insert New Drawing.

Attachment: (1) New Drawing Sheet with (1) Figure

REMARKS

One new drawing sheet with one new Figure is submitted herewith. The specification is amended accordingly. No new matter is presented.

Claims 9 and 10 are amended and claims 11-13 are added herein. Support for the Amendment is found, for example, on pages 14-15 and 26-27 and Table 2. No new matter is presented.

I. Response to Requirement for a Drawing

On page 2, paragraph 1 of the Action, the Examiner indicates that the subject matter of the application admits of illustration to facilitate understanding of the invention and therefore Applicants are required to furnish a drawing under 37 C.F.R. § 1.81(c).

A drawing is submitted herewith and the specification is amended accordingly.

II. Response to Objection to the Specification

In paragraph 2 of page 2 of the Action, the specification is objected to as not containing a section entitled "Brief Description of the Drawings".

Applicants respectfully submit that since no drawings were submitted with the original application, a section entitled "Brief Description of the Drawings" was not required to be included. Therefore, the objection to the specification was improper.

The specification is appropriately amended herein to include a section having a brief description of the drawing submitted in response to the requirement for a drawing, which will thereby render the objection moot.

Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

III. Response to Objection to the Claims

Claims 5-8 are objected to. The Examiner state that the terms "a" and "an" before "peak" and "E1'/E2'" should be replaced with the word "the".

Applicants respectfully submit that the claims are acceptable as originally written; however, the claims are amended by replacing the word "a" before "peak" and the word "an" before "E1'/E2'" in claims with "the" as suggested by the Examiner.

Accordingly, Applicants respectfully request withdrawal of the objection to the claims.

IV. Response to Claim Rejections under 35 U.S.C. § 103

A. Rejection of claims 1-8 over Shibata et al in view of JP '235 and Bennett et al

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shibata (US 2002/0127367 A1) in view of JP 2002-088325 A and Bennett et al (US 6,815,035 B2).

Applicants respectfully traverse the rejection. Since JP '235 is related to a different field of art, namely, production of a semiconductor device, one of ordinary skill would not have been motivated to combine Shibata et al and Bennett et al with JP '235 with a reasonable expectation of arriving at the claimed invention. A semiconductor device is quite different from an optical information recording medium and the problems to be solved by the present invention are different from those encountered in the field of producing semiconductor devices. These differences are easily understood by consulting a technical dictionary.

Therefore, Applicants submit that the Examiner has not made a *prima facie* showing of obviousness since JP '235 is non-analogous art, and therefore there is no motivation to combine the references as suggested by the Examiner. Since neither of Shibata et al or Bennett et al disclose, teach or suggest the element of the peak loss modulus of the adhesive layer, all elements of the claimed invention are not taught or suggested by those references which are in the same field of art.

Accordingly, Applicants respectfully request withdrawal of the rejection.

B. Rejection of Claims 9 and 10 over Shibata, JP '235, Bennett et al and Ooki et al

Applicants respectfully traverse the rejection.

The optical information recording medium of the present invention comprises special materials, such as an acrylic copolymer and an isocyanate crosslinking agent in the adhesive layer. Claim 9 is amended to recite that the ultraviolet curable resin satisfies the peak of loss modulus and the $E1'/E2'$ ratio recited in claim 1 when cured and claim 10 is amended to recite that the acrylic pressure-sensitive adhesive satisfies the peak of loss modulus and the $E1'/E2'$ ratio recited in claim 1 when the acrylic pressure-sensitive adhesive is cured. Therefore, the adhesive layer of the present invention satisfies the parameters recited in present claim 1. In contrast, Ooki et al does not disclose the characteristic parameters recited in claim 1 of the instant application. Ooki et al simply teaches an ultraviolet curable adhesive and a pressure-sensitive resin. However, Ooki et al does not disclose an adhesive layer having the properties recited in claim 1 or the materials employed in the present invention as exemplified in the Examples of the specification. Thus, one of ordinary skill in the art would not have had a reasonable expectation of achieving the claimed invention based upon the disclosure of Ooki et

al. Further, since Ooki et al relates to a recycling method of an optical disk, one of ordinary skill in the art would not have been motivated to modify or combine the discosure thereof, with a reasonable expectation of achieving the claimed invention.

V. New Claims

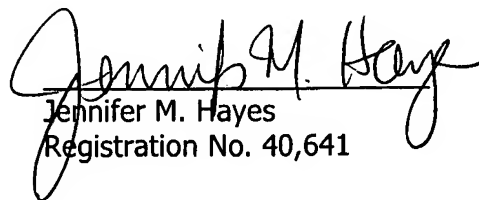
New claims 11-13 ultimately depend from claim 1 and are distinguished over the art or at least the same reasons.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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